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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

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| <p>Stanley Zhong, Nan Zhong, and SWORD (Students Who Oppose Racial Discrimination),</p> <p>Plaintiffs,</p> <p>v.</p> <p>The Regents of the University of Michigan,</p> <p>Defendant.</p> | |
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Case: 2:25-cv-10579
Assigned To : Leitman, Matthew F.
Referral Judge: Grand, David R.
Assign. Date : 2/27/2025
Description: CMP ZHONG ET AL v
THE REGENTS OF THE
UNIVERSITY OF MICHIGAN (JP)

Case No. _____

COMPLAINT

JURY TRIAL DEMANDED

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND
DAMAGES**

I. INTRODUCTION

1. Plaintiffs Stanley Zhong (“Stanley”), Nan Zhong (“Nan”), and Students Who Oppose Racial Discrimination (“SWORD”), represented by Nan Zhong on behalf of its members and all others similarly situated, collectively referred to as “Plaintiffs,” bring this civil rights action against the University of Michigan (“UM”, “Defendant”) for engaging in racially discriminatory admissions practices that disadvantage highly qualified Asian-American applicants, including Stanley and members of SWORD.

1 2. Despite Stanley's exceptional academic achievements and remarkable
2 professional accomplishments at a young age, his application to the
3 undergraduate program at the University of Michigan was rejected. This
4 result stands in stark contrast to his receipt of a full-time job offer from
5 Google for a position requiring a Ph.D. degree or equivalent practical
6 experience.

7 3. Stanley's experience is emblematic of a broader pattern of racial
8 discrimination against highly qualified Asian-American applicants at UM.
9 These admissions practices violate the Fourteenth Amendment to the
10 United States Constitution, Title VI of the Civil Rights Act of 1964, and the
11 Michigan Constitution's prohibition on racial discrimination in public
12 education.

13 **II. JURISDICTION AND VENUE**

14 4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331,
15 as this action arises under the Constitution and laws of the United States,
16 including Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

17 5. Venue is proper in this district under 28 U.S.C. § 1391(b) because a
18 substantial part of the events or omissions giving rise to the claim
19 occurred in this district.

1 III. PARTIES

2 A. Plaintiffs

3 A1. Co-plaintiff Stanley Zhong

4 6. Co-plaintiff Stanley Zhong, born in 2005, is an Asian American residing in
5 California. Stanley's parents are first-generation immigrants to the United
6 States from China. Stanley Zhong is a US citizen.

7 7. As a self-taught programmer, Stanley has distinguished himself in various
8 coding contests, ranking highly enough to receive an invitation from
9 Google for a full-time job interview in 2019, without Google realizing he
10 was only 13 years old. Upon disclosure of his age, the interview was
11 canceled due to Google's policy against hiring minors (See [Exhibit 1](#) for
12 email exchanges with a Google recruiter).

13 8. Competing against top professionals from around the world, Stanley
14 advanced to the Google Code Jam Coding Contest semi-final in 2021
15 (See [Exhibit 2](#)).

16 9. Competing against top professionals from around the world, Stanley
17 advanced to the Meta (Facebook) Hacker Cup semi-final in 2023 (See
18 [Exhibit 3](#)).

19 10. Stanley won the 2nd place in MIT (Massachusetts Institute of Technology)
20 Battlecode's global high school division twice (2nd place and 1st place in

1 the US, respectively) (See [Exhibit 4](#)). He was invited to MIT with expenses
2 paid.

3 11. Stanley won the 2nd Place in CMU (Carnegie Mellon University)
4 cybersecurity competition picoCTF (See [Exhibit 5](#)). He was invited to CMU
5 with expenses paid.

6 12. Stanley won the 6th place in Stanford ProCo (See [Exhibit 6](#)).

7 13. Stanley advanced to the USA Computing Olympiad (USACO) Platinum
8 Division (See [Exhibit 7](#)).

9 14. In April 2020, after seeing an NPR news story that the unemployment
10 office's system programmed in COBOL was not keeping up with the
11 workload caused by COVID (See [Exhibit 8](#)), Stanley taught himself
12 COBOL, sent his sample code on GitHub (See [Exhibit 9](#)) to COBOL
13 Cowboys featured in the news story, and volunteered to help. Mr. Bill
14 Hinshaw, COBOL Cowboys CEO, graciously called Stanley and offered
15 encouraging words (although he did mention putting a 14-year-old in front
16 of his clients would probably freak them out). (See [Exhibit 10](#) for the email
17 exchange with Mr. Bill Hinshaw to set up the call.)

18 15. After the attempt to volunteer for COBOL Cowboys fell through, Stanley
19 saw news reports about surging demand for e-signing services caused by
20 the COVID lockdown. Stanley was unhappy that DocuSign didn't provide

1 any relief. So, he launched an unlimited free e-signing service named
2 RabbitSign in 2021 (See [Exhibit 11](#)).

3 16. Built on Amazon Web Services (AWS), RabbitSign was designed and
4 implemented so well that AWS's Well-Architected Review concluded that it
5 was "one of the most efficient and secure accounts" they'd ever reviewed
6 (See [Exhibit 12](#)).

7 17. To showcase RabbitSign's exemplary use of AWS Serverless and
8 compliance services, AWS decided to feature it in a case study—a
9 prestigious recognition that is notoriously difficult to attain, even for
10 seasoned professionals (See [Exhibit 13](#)).

11 18. Shortly before Stanley turned 18, five randomly selected full-time Google
12 engineers, who were specifically trained and qualified to evaluate
13 candidates, devoted no less than ten hours collectively to evaluating
14 Stanley's skills, including his technical expertise and soft skills, such as
15 teamwork. Based solely on their assessments, without any external
16 influence, these Google engineers concluded that Google should hire
17 Stanley for an L4 position, which requires a Ph.D. degree or equivalent
18 practical experience. Consequently, Google made an offer for a full-time
19 L4 position to Stanley in September 2023, shortly after Stanley turned 18
20 (See [Exhibit 14](#)).

1 19. Google's compensation structure is tied to the level of its employees'
2 positions, creating a natural disincentive to over-assess an employee's
3 qualifications.

4 20. Mr. Dan Bloomberg, a longtime Google employee who served on the
5 hiring committees for 18 years, has agreed to testify regarding Google's
6 interview process when this lawsuit proceeds to trial.

7 21. In January 2025, Stanley received his performance evaluation as a
8 Google employee for the entirety of 2024, with a rating and manager
9 assessment indicating that he fully met the expectations for his position at
10 Google and demonstrated a strong growth trajectory.

11 22. Because of his groundbreaking work to provide the world's only unlimited
12 free HIPAA-compliant e-signing service to help lower America's healthcare
13 cost, Stanley received an inbound interview request from [Viewpoint with](#)
14 [Dennis Quaid](#), a series of short documentaries on innovations aired on
15 CNBC, Fox Business, Bloomberg, and public TV stations across the US.
16 Their past guests included President George H.W. Bush, Secretary Colin
17 Powell, and Fortune 500 CEOs. (See [Exhibit 15](#) for the industry news
18 coverage for RabbitSign's free HIPAA-compliant e-signing. See [Exhibit 16](#)
19 for the episode of [Viewpoint with Dennis Quaid](#) featuring RabbitSign and
20 Stanley.)

21 23. Stanley's high school grade point average was 3.97 (unweighted) and
22 4.42 (weighted) (See [Exhibit 17](#)).

1 24. Although Stanley's high school does not publish individual student
2 rankings based on grade point average, he is confirmed to be within at
3 least the top 9% of his class, as he qualified for the University of
4 California's ("UC") "Eligibility in the Local Context" (ELC). (See [Exhibit 18](#)
5 for Stanley's ELC qualification.) ELC guarantees admission to a UC
6 campus for California high school students who rank in the top 9% of their
7 class, as determined by their GPA in UC-approved coursework completed
8 in the 10th and 11th grades.

9 25. U.S. News and World Report ranks Stanley's high school (Henry Gunn
10 High School) #14 in California and #135 nationally (See [Exhibit 19](#)).

11 26. Niche ranks Stanley's high school (Henry Gunn High School) #1 best
12 public high school in San Francisco Bay Area and #4 best public high
13 school in California (See [Exhibit 20](#)).

14 27. Stanley achieved a maximum PSAT score without any preparation (See
15 [Exhibit 21](#)).

16 28. Stanley scored 1590 (out of 1600) on the SAT with only a few nights of
17 self study without any paid test prep (See [Exhibit 21](#) as well). He took the
18 SAT only once.

19 29. Stanley was a National Merit Scholarship finalist (See [Exhibit 22](#)).

20 30. While in high school, Stanley participated in and led numerous
21 extracurricular and volunteer activities.

1 31. Stanley served as a founding officer and president of the competitive
2 programming club at his high school (See [Exhibit 23](#)).

3 32. Stanley co-founded and served as the 2nd president of a nonprofit named
4 [OpenBrackets](#), which brought free coding lessons to 500+ kids in
5 underserved communities in California, Washington, and Texas over 2
6 years (See [Exhibit 24](#)). It received positive feedback from Stackoverflow
7 co-founder, Mr. Jeff Atwood.

8 33. Because of his work at OpenBrackets, Stanley received the highest level
9 of the President's Volunteer Service Award (See [Exhibit 25](#)).

10 34. Stanley's college application essay was pretty much captured in the
11 Viewpoint interview mentioned supra. It discussed why he created
12 RabbitSign, how he overcame rejections to eventually find a partner to
13 provide free HIPAA-compliant e-signing to help lower America's healthcare
14 cost, and how RabbitSign is the first Activism Corporation created to
15 counter corporate greed.

16 35. For enrollment in fall 2023, Stanley applied to the undergraduate
17 Computer Science program at the University of Michigan at Ann Arbor. His
18 application was rejected.

19 36. In direct connection with UM's rejection of his applications, Stanley Zhong
20 suffered emotional distress.

1 37. Stanley's story was reported in national news in October 2023 (See
2 [Exhibit 26](#)) and cited in a congressional hearing in September 2023 (See
3 [Exhibit 27](#)).

4 38. After Stanley's story hit the news in October 2023, multiple college
5 admission counselors examined his application, including his essay. None
6 of them could figure out a legitimate reason why Stanley was rejected.
7 Some of them have offered to testify as expert witnesses when this lawsuit
8 proceeds to trial.

9 39. Stanley was denied the opportunity to compete for admission to UM on
10 equal footing with other applicants on the basis of race or ethnicity due to
11 UM's discriminatory admissions policies and practices.

12 40. Stanley is ready and able to apply to UM when it ceases its intentional
13 discrimination against Asian Americans.

14 41. Stanley, Nan, and SWORD reached out to multiple legal resources and
15 entities for representation. However, these entities either declined to take
16 the case or failed to respond. Consequently, Stanley is compelled to
17 represent himself as a pro se litigant.

18 **A2. Co-plaintiff Nan Zhong**

19 42. Co-plaintiff, Nan Zhong, an Asian-American resident of California, is
20 Stanley Zhong's father.

1 43. A first-generation immigrant from China, Nan has a direct and personal
2 stake in this matter due to the discriminatory practices of UM's admissions
3 process.

4 44. The 2024 decision of the Second Circuit Court of Appeals in *Chinese*
5 *American Citizens Alliance of Greater New York (CACAGNY) v. Adams*,
6 116 F.4th 161, affirms that an "equal protection claim can be asserted by
7 individuals alleging they suffered harm from the discriminatory policy or
8 law, as well as other individuals (such as a parent or guardian) or
9 organizations that also have standing to sue."

10 45. Nan suffered emotional distress as a direct result of UM's discriminatory
11 policies, thereby establishing his standing to bring this claim.

12 46. Nan's children intend to apply for admission to UM but will be denied the
13 opportunity to compete on equal footing with other applicants due to UM's
14 discriminatory admissions policies. As a result, they may face rejection
15 based on race or ethnicity rather than merit. These personal impacts
16 further establish Nan's standing to bring this claim.

17 47. Beyond personal impact, Nan is acutely aware of the chilling effect that
18 Asian-American students face when asserting their legal rights in college
19 admissions. Public hostility toward such efforts is well-documented,
20 particularly on college campuses.

1 48. For example, during the *SFFA v. Harvard* trial, widespread protests
2 erupted against SFFA's challenge to race-conscious admissions (See
3 [Exhibit 28](#)). Even after the Supreme Court ruled against Harvard,
4 then-president Claudine Gay responded with open defiance, [stating](#), "We
5 will comply with the court's decision. But it doesn't change our values."
6 (See [Exhibit 29](#).) While the first half of her statement reflects legal
7 necessity, the latter half unmistakably signals defiance. Notably, following
8 the Supreme Court's ruling in SFFA, not a single Harvard administrator
9 apologized for the harm their policies inflicted on Asian-American
10 applicants.

11 49. Academics such as Professor Janelle Wong and Professor Viet Thanh
12 Nguyen publicly [asserted](#) that no Asian American had suffered
13 discrimination in the college admissions process, misleading the public
14 with statements like, "Not a single Asian-American student has testified
15 that they faced discrimination in the high-profile Harvard case." (See
16 [Exhibit 30](#).) Such assertions are demonstrably inaccurate and serve to
17 suppress legitimate grievances. On November 4, 2024, Nan challenged
18 both Professor Janelle Wong and Professor Viet Thanh Nguyen to a public
19 debate. Neither replied as of the filing of this lawsuit.

20 50. This hostile climate has a direct, suppressive effect on potential plaintiffs.
21 Many Asian-American applicants rejected by colleges initially expressed
22 interest in joining SWORD's lawsuit. However, after spending just a few
23 months on college campuses as freshmen, most withdrew.

1 51. A particularly striking example occurred at a panel discussion following a
2 screening of the MSNBC documentary *Admission Granted* in San
3 Francisco on May 9, 2024. The reaction of the audience, a few hundred
4 people strong, vividly illustrated this bias. When the moderator introduced
5 a Harvard student advocating for race-conscious admissions, the room
6 erupted in thunderous applause and cheers. In contrast, the
7 Asian-American student whose case launched the SFFA lawsuit received
8 only sparse clapping—approximately a quarter of which likely came from
9 Nan alone.

10 52. This pervasive social hostility—manifesting in microaggressions and overt
11 hostility—creates a profound chilling effect that discourages
12 Asian-American students from challenging discriminatory policies,
13 effectively silencing those who have been harmed. It is therefore
14 reasonable to infer that numerous Asian-American applicants, either
15 already harmed by UM’s admissions practices or anticipating future
16 discrimination, remain silent due to legitimate concerns about retaliation or
17 social pressure. Under the chilling effects doctrine, which recognizes that
18 individuals may refrain from asserting their rights due to fear of reprisal,
19 Nan’s standing to sue is further reinforced.

20 53. Stanley, Nan, and SWORD reached out to multiple legal resources and
21 entities for representation. However, these entities either declined to take
22 the case or failed to respond. Consequently, Nan is compelled to
23 represent himself as a pro se litigant.

1 **A3. Co-plaintiff Students Who Oppose Racial Discrimination (SWORD)**

2 54. Co-plaintiff, Students Who Oppose Racial Discrimination (“SWORD”), is a
3 voluntary membership organization focused on stopping racial
4 discrimination in college admissions through litigations. It was established
5 in October 2024 by people harmed and outraged by flagrant racial
6 discrimination in college admissions.

7 55. SWORD is a coalition comprising prospective applicants to higher
8 education institutions, individuals who were denied admission, their
9 parents, and supporters of the organization’s mission to eliminate racial
10 discrimination in higher education admissions.

11 56. Nan Zhong is the President of SWORD.

12 57. SWORD’s website is <https://sword.education>.

13 58. SWORD has at least one Asian-American member who is currently in high
14 school and intends to apply for admission to UM (“Future Applicants”).

15 59. Future Applicants will be denied the opportunity to compete for admission
16 to UM on equal footing with other applicants on the basis of race or
17 ethnicity due to UM’s discriminatory admissions policies. As a result,
18 Future Applicants may be denied admission to UM because of these
19 discriminatory policies and practices.

1 60. SWORD has at least one Asian-American member whose children either
2 intend to apply for admission to UM or applied for but were denied
3 admission to UM in recent years (“Parents”).

4 61. Parents’ children were or will be denied the opportunity to compete for
5 admission to UM on equal footing with other applicants on the basis of
6 race or ethnicity due to UM’s discriminatory admissions policies. As a
7 result, Parents’ children were or may be denied admission to UM because
8 of these discriminatory policies and practices. Consequently, Parents in
9 Michigan were or may be forced to pay higher out-of-state tuition for their
10 children.

11 62. Under *Hunt v. Washington State Apple Advertising Commission*, 432 U.S.
12 333 (1977), SWORD qualifies for associational standing because 1)
13 SWORD has members who have standing to sue UM themselves, 2) this
14 lawsuit is germane to SWORD’s purpose, and 3) neither the claim
15 asserted nor the relief requested requires the participation of individual
16 members in the lawsuit.

17 63. Stanley is not a member of SWORD.

18 64. The emotional toll experienced by Stanley and Nan exemplify the broader
19 emotional and potential economic harms associated with racially
20 discriminatory admissions practices by UM. Such policies do not merely
21 affect statistical representation; they impose real-world consequences on
22 a large group of individual applicants.

1 65. Stanley, Nan, and SWORD reached out to multiple legal resources and
2 entities for representation. However, these entities either declined to take
3 the case or failed to respond. Consequently, as President of SWORD, Nan
4 is compelled to represent the organization as a pro se litigant.

5 **B. Defendant**

6 66. Defendant is a public university system in the State of Michigan, subject to
7 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et. seq.*

8 **IV. FACTUAL ALLEGATIONS**

9 **A. Asian Applicants Receiving Discriminatory Results**

10 67. For undergraduate enrollment in fall 2023, Stanley applied to UM. Despite
11 his extraordinary qualifications, he was rejected. This outcome defies
12 common sense and contradicts expert assessments of his application. As
13 the Supreme Court noted in *Miller v. Johnson*, 515 U.S. 900,901 (1995),
14 "bizarreness" can serve as "persuasive circumstantial evidence that race
15 for its own sake...was a legislature's dominant and controlling rationale."
16 Similarly, the stark disparity between Stanley's qualifications and the UM
17 admissions decisions raises serious concerns about the role of race in
18 UM's admissions process. This striking incongruity strongly suggests that
19 UM's admissions policies are being applied in a discriminatory fashion.

20 68. Plaintiffs believe and allege that Stanley's rejection by UM was not based
21 on his qualifications but on his race, as an Asian American.

1 **B. Widespread Anti-Asian Discrimination at Elite Universities**

2 69. After the state [audit](#) in 1987 (See [Exhibit 31](#)), University of California
3 Berkeley Chancellor Ira Michael Heyman publicly [apologized](#) in 1989 for
4 admissions policies that led to a decline in Asian-American undergraduate
5 enrollment (See [Exhibit 32](#)).

6 70. On September 22, 2016, *Inside Higher Education* [released](#) a survey of
7 admission officers. It revealed 42% of admission officers from private
8 colleges and 39% of admission officers from public colleges believe that
9 colleges hold Asian-American applicants to a higher standard (See [Exhibit](#)
10 [33](#)).

11 71. On May 25, 2016, Dr. Michele Hernandez, former Dartmouth admission
12 officer, [revealed](#) on *Huffington Post* “how even the so-called ‘holistic
13 process’ can discriminate against Asian students” and how Ivy League
14 college admission officers often use racial stereotypes to discriminate
15 against Asian-American applicants (See [Exhibit 34](#)).

16 72. Harvard openly gave preferential treatment to some racial groups at the
17 expense of Asian-American applicants until its practice was ruled illegal by
18 the Supreme Court in *SFFA v. Harvard* in 2023. Notably, following the
19 Supreme Court’s ruling in *SFFA*, not a single Harvard administrator
20 apologized for the harm their policies inflicted on Asian-American
21 applicants.

1 73. As documented in the [SFFA's legal complaint](#) against Harvard (page 60),
2 Asian-American applicants and their families know that they are being
3 discriminated against by elite universities (See [Exhibit 35](#)).

4 74. As documented in the [SFFA's legal complaint](#) against Harvard (page 57),
5 college counselors acknowledge discrimination against Asian Americans
6 at elite universities (See [Exhibit 36](#)).

7 75. It is well documented that many Asian-American applicants attempt to
8 appear "less Asian" on their college applications to avoid potential bias
9 (See [Exhibit 37](#)).

10 76. Admission officers at elite universities have described Asian-American
11 applicants using derogatory racial stereotypes, such as labeling them as
12 "yet another textureless math grind" (See [Exhibit 39](#)).

13 77. Evidence also shows that elite universities were aware of discriminatory
14 practices but often ignored or denied the issue until confronted with legal
15 challenges. For instance, in 2006, Jian Li, an Asian-American applicant,
16 filed a formal complaint against Princeton University for racial
17 discrimination in admissions. Following this action, Princeton's admission
18 rate for Asian-American students rose from 14.7% in 2007 to 25.4% in
19 2014 (See [Exhibit 38](#)). Similarly, after SFFA sued Harvard in 2015, the
20 percentage of Asian-American admits increased from 17% in 2014 to 22%
21 in 2016 (See [Exhibit 38](#) as well).

1 78. These patterns demonstrate a troubling reality: institutions were capable
2 of increasing Asian-American enrollment with little change in applicant
3 qualifications, suggesting prior suppression of Asian admissions through
4 discriminatory policies. This raises legal concerns about UM's own
5 admissions practices. Legal scrutiny is warranted to uncover the extent of
6 UM's awareness of and complicity in similar practices that have
7 disadvantaged highly qualified Asian-American applicants.

8 79. Compiling his Pulitzer Prize-winning reporting into a book titled *The Price*
9 *of Admission*, Daniel Golden documented multiple highly qualified Asian
10 applicants rejected by the University of California, Harvard, Yale,
11 Princeton, Brown, Columbia, Stanford, and Massachusetts Institute of
12 Technology. For example, UCLA rejected Stanley Park, a Korean
13 American student who faced serious adversity (single immigrant parent
14 with cancer and no college degree), while accepting non-Asian students
15 with SAT scores 520 and 560 points lower. (See [Exhibit 39](#) for the relevant
16 excerpt from *The Price of Admission*.)

17 80. In 2003, Mr. John Moores, then chairman of the UC Board of Regents,
18 accused UC's flagship campus of "blatantly" discriminating against Asian
19 Americans (See [Exhibit 40](#)).

20 81. Following the implementation of a holistic review system, UCLA prohibited
21 faculty members on its Admissions Committee from accessing admissions
22 data. In response, Professor Tim Groseclose invoked whistleblower

1 protections and resigned from UCLA in protest (See [Exhibit 41](#)). In
2 *Cheating: An Insider's Report on the Use of Race in Admissions at UCLA*,
3 Professor Groseclose described how then-UCLA Chancellor Norm
4 Abrams explicitly cited raising African American enrollment as the
5 motivation behind adopting holistic admissions. In addition, Professor
6 Groseclose's statistical analysis showed that, for a group of applicants
7 receiving the same scores from their initial readers, UCLA admitted 55%
8 poor African Americans, 38% rich African Americans, 23% poor North
9 Asians and 18% rich North Asians. Note that *rich* African Americans were
10 admitted much more frequently than *poor* North Asians. UC never
11 disputed the accuracy of Professor Groseclose's account. (See [Exhibit 42](#)
12 for excerpts from Professor Tim Groseclose's book *Cheating*.)

13 82. In a study commissioned by UCLA, only later obtained through public
14 records requests, sociology professor Robert Mare [documented](#) a
15 consistent pattern of anti-Asian discrimination in admissions at UCLA. His
16 report said, "'North Asian' (Chinese, Japanese, Korean, Indian/Pakistani
17 American) applicants receive somewhat less favorable holistic read scores
18 than applicants in other ethnic identity groups who are otherwise similar in
19 measured academic qualifications, personal characteristics, and
20 measured challenges and hardships." It further indicated that "among
21 otherwise equivalent applicants, whites, African Americans and Latinos
22 are overrepresented among those admitted, and Asian-American
23 applicants are underrepresented." Additionally, the report noted that "the

1 disadvantages of Asian applicants occur, with varying magnitudes,
2 throughout the admissions process.” (See Exhibit 56 in case 2:25-cv-0495
3 DJC CSK in the U.S. District Court for the Eastern District of California).

4 83. After Dr. Jennifer Lucero took over UCLA medical school admissions in
5 June 2020, the number of Asian matriculants at UCLA medical school
6 declined from 84 to 55 from 2019 through 2022, a drop of 35% (See
7 [Exhibit 43](#)). Precipitous changes in admission rates strongly suggest
8 deliberate conscious race-based directives.

9 **C. Deep-Rooted Culture of Identity Over Academics and Legal Evasion**
10 **in Higher Education**

11 84. Around 1990, then-UM President James J. Duderstadt instituted the
12 [Michigan Mandate](#), describing it as “a blueprint for fundamental change in
13 the ethnic composition of the university community.” (See [Exhibit 44](#).) He
14 claimed it strategically linked ‘academic excellence and social diversity.’
15 Decades later, the current UM President Santa Ono echoed this
16 sentiment, stating, “At the University of Michigan, we are convinced that
17 academic excellence goes hand-in-hand with diversity, inclusion and
18 equity.” However, UM’s rejection of highly qualified applicants like Stanley
19 suggests a departure from genuine academic excellence in favor of
20 ideological priorities.

21 85. In 2023, Brown University’s Medical School prioritized Diversity, Equity,
22 and Inclusion (DEI) over clinical skills in its [faculty promotion criteria](#),

1 raising concerns about the potential impact on patient care quality (See
2 [Exhibit 45](#)).

3 86. Mr. Steven Dubinett, the dean of UCLA medical school, directs a center
4 that houses a race-based fellowship. Its web page was deleted after
5 media exposure (See [Exhibit 46](#)), indicating awareness of its illegality.

6 87. A New York Times [opinion piece](#) by a former UC admissions reader
7 shared her detection of “unspoken directives”, questioned whether
8 “Proposition 209 serve(s) merely to push race underground” and
9 described the admission reading process as “an extreme version of the
10 American non-conversation about race.” (See [Exhibit 47](#).)

11 88. Following public outcry over the Varsity Blues scandal, California state
12 lawmakers commissioned an audit of the University of California’s
13 admissions practices. The California State Auditor’s 2020 [report](#) found that
14 UC “has allowed for improper influence in admissions decisions, and it has
15 not treated applicants fairly or consistently.” Specifically, the audit revealed
16 that UC Berkeley and UCLA “admitted thousands of applicants whose
17 records demonstrated that they were less qualified than other applicants
18 who were denied admission.” (See [Exhibit 48](#)).

19 89. In a public [talk](#) to a large audience, Professor Erwin Chemerinsky, the
20 Dean of the University of California Berkeley Law School, admitted that his
21 school systematically considers race in its internal decision-making and
22 actively conceals this practice (See [Exhibit 49](#)). As evidenced in the video,

1 when discussing the consideration of race in faculty hiring, Mr.
2 Chemerinsky described and preached the “unstated Affirmative Action”
3 practiced at UC as follows: “Don’t say that [you are considering the
4 candidate’s race]. You can think it. You can vote it... Don’t ever articulate
5 that is what you are doing.” He also said “If I’m ever deposed, I’m going to
6 deny I said this to you.” His statements reveal deliberate intent by senior
7 university administrators to actively conceal their use of race in
8 decision-making.

9 90. In November 2022, *The New Yorker* staff writer Jay Caspian Kang [quoted](#)
10 Mr. Erwin Chemerinsky as follows:

11 “What colleges and universities will need to do after affirmative action
12 is eliminated is find ways to achieve diversity that can’t be
13 documented as violating the Constitution,” Mr. Chemerinsky stated.
14 “So they can’t have any explicit use of race. They have to make sure
15 that their admissions statistics don’t reveal any use of race. But they
16 can use proxies for race.” (See [Exhibit 49](#) as well.)

17 This statement is a clear acknowledgment that university officials intend to
18 bypass constitutional and legal prohibitions on racial discrimination by
19 employing indirect methods—namely, “proxies for race”—to achieve the
20 same racial outcomes that explicit race-based policies once facilitated.

21 91. The use of racial proxies to achieve racial balancing is unconstitutional. In
22 *Parents Involved in Community Schools v. Seattle School District No. 1*,

1 551 U.S. 701, 743 (2007), the Supreme Court held that racial balancing is
2 not a compelling state interest and that the government may not achieve
3 racial diversity through indirect methods that amount to race-conscious
4 decision-making. Similarly, in *SFFA v. Harvard*, 600 U.S. 181 (2023), the
5 Supreme Court reaffirmed that admissions policies designed to achieve
6 racial diversity by using proxies for race are equally unconstitutional.

7 92. The statements made by Mr. Chemerinsky provide strong circumstantial
8 evidence that senior university administrators are knowingly and
9 deliberately structuring its admissions policies to evade legal prohibitions
10 on racial discrimination.

11 93. As a law professor, Mr. Chemerinsky must know what he was preaching is
12 illegal. By his own admission, he clearly knew it was illegal. Yet, he
13 preached it with a sense of pride and braggadocio. It is worth emphasizing
14 that Mr. Chemerinsky is the Dean, the top administrator, of UC Berkeley
15 Law School. Mr. Chemerinsky's statements happened to be in a public
16 talk, happened to be captured in video, and happened to be shared on the
17 web. What is visible to the public must be only the tip of the iceberg. It is
18 reasonable to infer the preaching and practice of "unstated Affirmative
19 Action" is widespread in universities' admissions and hiring process, which
20 lacks transparency and accountability.

21 94. Similar to the 'unstated Affirmative Action' approach advocated by Mr.
22 Chemerinsky at UC, the University of Washington (UW) implemented this

1 practice by re-ranking candidates based on race while maintaining an
2 appearance of neutrality. In 2023, the UW psychology department's hiring
3 committee [re-ranked](#) finalists to prioritize hiring a Black candidate over a
4 white and an Asian candidate who were originally ranked first and second,
5 respectively. UW's [report](#) concluded that "race was used as a substantial
6 factor in the selection of the final candidate and the hiring process." The
7 report, which redacts all the names of those involved, suggests that faculty
8 members tried to hide the extent to which race was considered, including
9 in the hiring report. "I advise deleting the statement below as it shows that
10 URM [underrepresented minority] applications were singled out and
11 evaluated differently than non-URM applications (which is not allowed as
12 [redacted] noted)," one email read, according to the report. "My inclination
13 is to hold these meetings only for POC [People of Color] candidates. I'm
14 also mindful that our Provost is now getting anxious about anything that's
15 directed to only some identity groups (i.e., they are getting worried about
16 fallout from the pending Supreme Court affirmative action rulings)," a
17 person wrote in an email. "My read is that they'll get fearful of litigation and
18 overcorrect into colorblindness. Maybe our committee can preemptively
19 think our way around this type of future directive," the faculty member
20 wrote. (See Exhibit 53 in case [2:25-cv-00348](#) in the U.S. District Court for
21 the Western District of Washington.) This case provides a concrete
22 example of how UW prioritized race in hiring, in clear violation of the law.
23 The incident only came to light probably due to a public records request

1 from an external group. Given the pervasive culture of racial preference, it
2 is reasonable to infer that this was not an isolated occurrence.

3 95. Senior university administrators not only preach and practice “unstated
4 Affirmative Action”, they also actively [persecute](#) those who advocate for
5 academic excellence over identity politics. From 2022 to 2024, Professor
6 Perry Link, Chancellorial Chair for Teaching Across Disciplines at UC
7 Riverside and a leading authority on modern and contemporary Chinese
8 literature and culture, faced disciplinary action after expressing concerns
9 during a faculty search committee meeting about prioritizing a Black
10 candidate’s race over qualifications. His comments, which he stated were
11 intended to caution against elevating race as the “overriding criterion,”
12 were reported to university officials without his knowledge. Professor Link
13 was subsequently removed from the search committee and subjected to a
14 prolonged disciplinary process, including hearings resembling a trial,
15 where termination was suggested as a penalty. Although a faculty
16 committee unanimously found him innocent of the charges, Chancellor
17 Kim Wilcox issued a formal [letter of censure](#), overriding the committee’s
18 recommendation (See [Exhibit 50](#)). Professor Perry Link was accused of
19 making racist comments during the hiring process but was not informed of
20 the specific remarks deemed problematic until nearly a year later. UC
21 Riverside eventually acquitted him of all charges but allegedly threatened
22 to penalize him if he spoke publicly about the ordeal. Despite UC’s threats,
23 Professor Link, a distinguished scholar at age 80, courageously made the

1 [incident](#) public (See [Exhibit 51](#)). If UC has attempted to silence a
2 prominent tenured professor, it is reasonable to infer the tremendous
3 pressure any professor, non-tenured administrator or staff would face if
4 they were to speak up. Therefore it is reasonable to infer that numerous
5 similar cases exist at UC and other universities in which victims chose to
6 remain silent, fearing retaliation that could jeopardize their careers and
7 livelihoods. This incident highlights senior university administrators'
8 preoccupation with immutable characteristics such as race, in clear
9 violation of the Constitution. It also demonstrates the great lengths to
10 which they go to silence any dissidents or whistleblowers. Furthermore, it
11 clearly illustrates the importance of exercising the chilling effect doctrine
12 when it comes to the legal standing in lawsuits concerning universities'
13 student admissions and faculty hiring.

14 96. Professor Perry Link has agreed to testify when the lawsuit filed by
15 Stanley, Nan and SWORD against the UC (Case No. 2:25-cv-0495 DJC
16 CSK in the U.S. District Court for the Eastern District of California) goes to
17 trial.

18 97. It is noteworthy that California and Washington have had state laws
19 explicitly prohibiting racial preference or discrimination in public education
20 since 1996 and 1998, respectively, through Proposition 209 and Initiative
21 200. Nevertheless, both the University of California (UC) and the
22 University of Washington (UW) appear to have disregarded the will of
23 voters and the rule of law. Similarly, Michigan has prohibited racial

1 preferences and discrimination in public education since 2006 under
2 Proposal 2. Yet, the entrenched culture of legal evasion within higher
3 education institutions suggests that many universities continue to operate
4 as though they are above the law.

5 98. Both the University of Michigan and the University of California are
6 constitutionally prohibited from using racial preferences in student
7 admissions. Nevertheless, both institutions have [demonstrated](#) a clear
8 desire to circumvent these bans (See [Exhibit 52](#)). After Michigan's
9 Proposal 2 passed in 2006, UM hosted a 2-day workshop featuring UC
10 administrators, who shared their strategies for navigating California's
11 Proposition 209, enacted in 1996 (See [Exhibit 59](#)). Reports by Professor
12 Robert Mare and the California State Auditor uncovered major issues in
13 UC's admissions practices, warranting the same level of scrutiny for UM.
14 UC's actions strongly suggest how UM may be operating. This raises
15 concerns that UM is following Mr. Chemerinsky's advice to "just do it
16 without leaving any paper trail." Such tactics could make it difficult for
17 Plaintiffs to obtain direct evidence of discriminatory intent against
18 Asian-American applicants. In this context, Plaintiffs' claims should be
19 assessed based on whether UM's admissions policies create a
20 discriminatory impact on Asian-American applicants, either individually or
21 collectively. As Mr. Chemerinsky himself acknowledged, statistical analysis
22 is key to identifying racial discrimination in admissions. Plaintiffs intend to
23 conduct such an analysis during the discovery phase of this lawsuit.

1 **D. UM’s Motive and Intent for Racial Balancing its Student Body**

2 99. In its [amicus brief](#) filed with the US Supreme Court in *SFFA v. Harvard*,
3 UM stated that “U-M’s Sustained Race-Neutral Initiatives Have Not
4 Achieved Racial Diversity In Enrollments” (See [Exhibit 53](#)). The brief fails
5 to define the criteria of achieving racial diversity—a point Plaintiffs intend
6 to explore during discovery. Nevertheless, UM’s statement reveals its
7 intent to increase enrollment for certain racial groups, a motive that
8 implicates strict scrutiny under constitutional law. The brief also
9 rationalized UM’s rejection of a percentage plan because “a percentage
10 plan would have minimal or negative effects on racial diversity” (See
11 [Exhibit 53](#) as well). This further exemplifies UM’s use of race in its
12 decision-making.

13 100. In July 2023, following the Supreme Court’s ruling in *SFFA v. Harvard*,
14 UM President Santa Ono stated that he was “deeply disheartened by the
15 court’s ruling” (See [Exhibit 54](#)). This statement openly signaled the
16 university’s continued desire to consider race in admissions, despite the
17 Court’s decision.

18 101. In 2014, when an organization named By Any Means Necessary lost
19 its challenge to Proposal 2 in the Supreme Court, then-UM president Mary
20 Sue Coleman announced defiantly, “Despite this decision from the
21 Supreme Court, the University of Michigan remains deeply committed to

1 using every legal tool at our disposal to bring together a diverse study
2 body.” (See [Exhibit 55](#).)

3 102. The Equal Protection Clause of the Fourteenth Amendment prohibits
4 states from denying any person “the equal protection of the laws.” The
5 Clause’s “central purpose is to prevent the States from purposefully
6 discriminating between individuals on the basis of race.” See *Shaw v.*
7 *Reno*, 509 U.S. 630, 642 (1993). Thus, a state law or policy that
8 discriminates on the basis of race is subject to strict scrutiny, regardless of
9 its intended beneficiaries. See *Adarand Constructors, Inc. v. Peña*, 515
10 U.S. 200, 227 (1995).

11 103. As the Supreme Court noted in *SFFA v. Harvard*, 143 S. Ct. 2141,
12 2169 (2023), “College admissions are zero-sum. A benefit provided to
13 some applicants but not to others necessarily advantages the former
14 group at the expense of the latter.” The distinction between preferential
15 treatment and adverse impact is illusory—both actions are inherently
16 racially motivated and inseparable, representing merely different ways of
17 describing the same net discriminatory conduct. In a zero-sum situation,
18 when assessing whether a policy constitutes racial discrimination, courts
19 should focus on the presence of racial intent, regardless of whether that
20 intent manifests as preferential treatment or adverse impact. As the
21 Supreme Court affirmed in *SFFA v. Harvard*, “[W]hat cannot be done
22 directly cannot be done indirectly. The Constitution deals with substance,
23 not shadows,” and the prohibition against racial discrimination is “levelled

1 at the thing, not the name." *Cummings v. Missouri*, 71 U.S. (4 Wall.) 277,
 2 325, 18 L.Ed. 356 (1867).

3 104. Article I, Section 26 of the Michigan Constitution explicitly states: "*The*
 4 *University of Michigan, Michigan State University, Wayne State University,*
 5 *and any other public college or university, community college, or school*
 6 *district shall not discriminate against, or grant preferential treatment to,*
 7 *any individual or group on the basis of race, sex, color, ethnicity, or*
 8 *national origin in the operation of public employment, public education, or*
 9 *public contracting.*" This provision unequivocally prohibits both adverse
 10 discrimination and preferential treatment on the basis of these
 11 characteristics.

12 **E. UM's Action for Racial Balancing its Hiring and Admissions**

13 105. In addition to its evident motive and intent for racial balancing, UM
 14 possesses the means and opportunity to manipulate the racial
 15 composition of its student body under its current "holistic" admissions
 16 framework, which lacks transparency, independent third-party oversight
 17 and accountability. Indeed, UM's intent is matched by its actions.

18 106. A university policy that amounts to racial balancing is "patently
 19 unconstitutional." *Grutter v. Bollinger*, 539 U.S. 306, 329 (2003). Racial
 20 balancing seeks to ensure a specified percentage of a racial group within
 21 the student body merely due to race or ethnicity. *Id.* Courts have

1 consistently rejected proportional representation as a constitutional
2 justification for race-based admissions. See *Id.* at 343.

3 107. Admissions and hiring are inherently interconnected and inseparable in
4 the context of racial discrimination within educational institutions. Faculty
5 and administrators play a pivotal role in shaping academic standards,
6 mentoring students, and influencing the culture and policies of a university,
7 including admissions criteria and practices. A racially biased hiring
8 process can create and perpetuate a discriminatory culture by fostering an
9 environment where certain racial perspectives are prioritized over
10 objective, merit-based considerations. Racially-motivated hiring policies
11 often have a direct ripple effect on student admissions. It is unrealistic and
12 unreasonable to assume that a university can operate one process in a
13 race-conscious manner while keeping the other race-neutral, as both are
14 fundamentally linked in their goals and execution. Therefore, examining
15 both admissions and hiring practices is essential to providing a holistic
16 assessment of whether a university's policies violate constitutional and
17 statutory protections against racial discrimination.

18 108. UM insists on implementing both “holistic reviews” and a “test-optional”
19 admissions policy. However, this position is inherently contradictory. A
20 review cannot be truly holistic if it deliberately excludes objective
21 measures like standardized tests, especially for STEM applicants where
22 such metrics are crucial for assessing academic preparedness. This
23 decision appears to be a calculated move to compromise intellectual

1 honesty and academic integrity, potentially facilitating the concealment of
2 discriminatory practices against Asian-American applicants. Notably,
3 leading institutions like MIT, Dartmouth, Yale, Brown, Harvard, Caltech,
4 Cornell, and the University of Texas at Austin have reinstated
5 standardized testing, further highlighting the questionable nature of UM's
6 continued "test-optional" policy post-COVID. These circumstances
7 necessitate legal scrutiny of UM's policy, its underlying motivations, its
8 disparate impact on Asian-American applicants, and whether UM
9 continues to merit the traditional judicial deference granted to bona fide
10 academic institutions.

11 109. Like the "unstated Affirmative Action" described by Mr. Chemerinsky at
12 UC, UM's hiring process appears to be driven by identity while maintaining
13 a façade of neutrality (See [Exhibit 56](#), part 1).

14 110. The prevailing belief at UM is that advocating for a "level playing field"
15 in admissions in a diversity statement is considered "career suicide" (See
16 [Exhibit 56](#), part 2).

17 111. UM's Collegiate Fellows program claims not to consider race, yet at
18 least 80% of its hires were people of color (See [Exhibit 56](#), part 3), a
19 statistic that strongly suggests race-based selection.

20 112. Further, UM has fostered a climate of fear similar to UC's, discouraging
21 dissents and academic freedom. Students and faculty whisper that "I can't

1 say anything in class anymore. I'm going to get run out of class" (See
2 [Exhibit 56](#), part 4).

3 113. Until December 5, 2024, UM required diversity statements in faculty
4 hiring and promotions. Under this system, even a Nobel Prize winner
5 might not be considered if they prioritized academic research over
6 diversity initiatives.

7 114. Given that UM is or was not conducting itself as a bona fide academic
8 institution for student admissions or faculty hiring, any traditional judicial
9 deference afforded to academic institutions should not apply in lawsuits
10 concerning student admissions or faculty hiring at UM.

11 115. UM's Diversity [FAQ](#) page states that "*But consideration of*
12 *socio-economic factors, alone, does not help us enroll a student body that*
13 *is racially or ethnically diverse, nor does it help us achieve gender*
14 *diversity. For example, there are far more white students from low-income*
15 *families applying to the University than minority students from low-income*
16 *families. Socioeconomic status is not a substitute for race or ethnicity.*"
17 (See [Exhibit 57](#).) This statement suggests that UM prioritizes race over
18 socioeconomic status in admissions, potentially favoring minority students
19 from affluent backgrounds over white students from low-income families.
20 Such an approach raises serious concerns about whether UM is more
21 committed to superficial diversity metrics than to genuine social justice.

1 Moreover, the kind of race-based decision-making exemplified by this
2 constitutes a violation of the Michigan Constitution.

3 116. In a 2017 report by the Equality of Opportunity Project — further
4 covered in the New York Times’ The Upshot —, UM [ranked](#) last in
5 economic mobility and diversity among elite public colleges. The median
6 family income of a student at UM is \$154,000 — the highest of 27 public
7 colleges classified as “highly selective.” The Upshot also highlighted that
8 66 percent of students come from the top 20 percent of the income
9 distribution, while 9.3 percent of the student body come from the top 1
10 percent of the income distribution alone, also the highest of the 27
11 institutions. Just 3.6 percent of students hail from the bottom 20 percent of
12 income levels. Additionally, UM ranked last out of 25 highly selective
13 public colleges and all Big Ten schools in terms of economic social
14 mobility. The Upshot estimates only 10 percent of UM alumni moved up
15 two or more income quintiles. Stony Brook University in New York came in
16 first with 34 percent and University of California-Irvine placed second with
17 27 percent. (See [Exhibit 58](#).) This aligns with the implications of UM’s
18 Diversity [FAQ](#) page, suggesting that UM prioritizes minority students from
19 affluent backgrounds over white students from low-income families.

20 117. It appears that, in its effort to racially balance its student body, UM is
21 willing to sacrifice socio-economic diversity.

1 118. After Proposal 2, UM introduced essays focused on identity (See
2 [Exhibit 59](#)), emphasizing personal identity over academic merit.
3 Additionally, UM employs Descriptor Plus, a College Board program
4 designed to help schools “shape [their] class profile” and “[t]arget
5 hard-to-attract populations,” including minority students. This tool utilizes
6 College Board and U.S. census data to categorize high schools into
7 180,000 geographic clusters with distinct “behavior profiles.” (See [Exhibit](#)
8 [59](#) as well.) UM’s use of Descriptor Plus warrants legal scrutiny to
9 determine whether it serves as a proxy for race in admissions decisions.

10 119. According to the 2020 U.S. Census, Michigan’s Asian population grew
11 by 40.5% over the prior decade, making it the fastest-growing ethnic group
12 in the state (See [Exhibit 60](#)). Similarly, Asian American Pacific Islander
13 Vote (AAPIV) estimated that the AAPI voter pool in Michigan grew by 59%
14 from 2010 to 2020. This compares to a 4% change for the statewide
15 eligible voting population over the same period (See [Exhibit 60](#) as well). It
16 is reasonable to infer that the Asian population in Michigan continued to
17 grow at a similar pace after 2020. However, at UM Ann Arbor, one of the
18 most selective campuses of the UM system, Asian admits have trended
19 flat or down since 2020. The percentage of Asian students enrolled went
20 from 19.4% (1,334 out of 6,879) in 2020 to 18.2% (1,322 out of 7,278) in
21 2024. (See [Exhibit 61](#).) According to Michigan Daily, Asian admits at UM
22 went from 19.0% in 2023 down to 17.2% in 2024 (See [Exhibit 62](#)).

1 120. The gap between Asian population growth and admission rates
2 strongly suggests systemic discrimination. As the Court explained in *Reno*
3 *v. Bossier Parish School Board*, 520 U.S. 471, 487 (1997), the natural
4 consequences of an action often provide probative evidence of intent.
5 Here, the persistent adverse impact on Asian-American applicants
6 indicates a racially motivated policy, despite UM's denials.

7 121. In 2023, the year Stanley applied, UM Ann Arbor enrolled 432 African
8 American students (See [Exhibit 61](#)). The 25th and 75th percentile SAT
9 scores for UM students were 1350 (670+680) and 1530 (750+780),
10 respectively (See [Exhibit 61](#) as well), suggesting a median SAT score of
11 approximately 1440 $((1530+1350)/2)$. Nationally, 225,954 African
12 American students took the SAT in 2023, with approximately 1% (roughly
13 2,259 students) scoring in the top range of 1400–1600 (See [Exhibit 63](#)). If
14 UM's African American enrollees reflected the general SAT distribution of
15 UM enrollees, approximately 216 of them would have scored above the
16 median of 1440, with an even larger number exceeding 1400. This would
17 mean UM enrolled at least 9.6% of the nation's top African American SAT
18 performers.

19 122. Based on this analysis, the estimated percentage of national top
20 scorers (those in the 1400-1600 SAT range) enrolled at UM is
21 approximately 9.6% for African Americans, 1.6% for Asian Americans,
22 5.9% for Hispanic Americans, and 3.7% for White students (See [Exhibit](#)
23 [64](#)).

1 123. Unless African-American applicants are six times more likely than
2 Asian-American applicants to be drawn to UM (as suggested by the 9.6%
3 to 1.6% ratio), these figures imply that Asian American applicants face
4 significantly higher SAT score thresholds for admission. Considering the
5 geographic distribution of high-achieving students, such a high
6 concentration of top scorers from certain racial groups appears statistically
7 improbable. While SAT scores are not the sole measure of merit, this
8 statistical anomaly raises serious concerns about whether UM's
9 admissions policies align with constitutional and legal prohibitions against
10 racial preferences.

11 124. Studies comparing the academic qualifications of admitted or enrolled
12 students by race fail to fully capture the extent of racial discrimination
13 faced by Asian-American applicants. By rejecting highly qualified
14 Asian-American applicants like Stanley, UM artificially narrows the
15 academic qualification gap between admitted or enrolled students of
16 different racial groups. As a matter of mathematical fact, the more highly
17 qualified Asian-American applicants the university rejects, the smaller the
18 observed qualification gap among admitted or enrolled students becomes.
19 To accurately assess the extent of racial discrimination, it is necessary to
20 compare not only the admitted or enrolled Asian-American students but
21 also the rejected Asian-American applicants against admitted or enrolled
22 students from other racial groups. However, limitations in the publicly
23 available UM admissions data currently prevent such an analysis. The

1 plaintiffs intend to pursue this essential data comparison during the
2 discovery phase of this lawsuit.

3 125. Additionally, out of the 7,466 students enrolled at UM Ann Arbor in
4 2023, only 102 (approximately 1.37%) were National Merit Finalists (See
5 [Exhibit 61](#) as well). Despite this, Stanley—a National Merit Finalist—was
6 rejected, further raising concerns about UM’s admissions practices.

7 126. The argument that Asian Americans are over-represented in UM’s
8 student body relative to the general population does not negate claims of
9 discrimination. Equal protection requires that individuals be treated as
10 individuals, not as members of a racial class. See *Miller v. Johnson*, 515
11 U.S. 900, 911 (1995). Even if aggregate Asian enrollment remains
12 relatively high, systemic bias may suppress their numbers below what
13 they would be in a race-neutral system. “[I]nvidious discrimination does
14 not become less so because the discrimination accomplished is of a
15 lesser magnitude.” See *Personnel Administrator of Massachusetts v.*
16 *Feeney*, 442 U.S. 256, 277 (1979).

17 127. The Second Circuit’s 2024 decision in *Chinese American Citizens*
18 *Alliance of Greater New York (CACAGNY) v. Adams* supports this case.
19 The court held that a facially neutral policy driven by racial motives
20 violates equal protection, even if aggregate enrollment improves. The
21 ruling states “if discriminatory intent is proven, a negative effect or harm
22 from that discriminatory policy on individual Asian-American students

1 applying to the SHSs [Specialized High Schools] would be sufficient to
2 trigger strict scrutiny review”. The court further held that a policy or a
3 program “is not immunized from strict scrutiny because it underperforms in
4 an unconstitutional mission with respect to a targeted racial group in the
5 aggregate.” Therefore, university policies aiming to suppress Asian
6 enrollment—whether or not Asian Americans are over-represented—are
7 subject to strict scrutiny and won't survive it.

8 128. Moreover, *CACAGNY* rejected the defense that admitting students to
9 any school within a system negates discrimination claims. The Second
10 Circuit Court stated that denying a student access to their preferred
11 institution due to race is actionable. Similarly, admitting Asian-American
12 students to less selective UM campuses does not absolve more selective
13 campuses from discrimination claims.

14 129. In *CACAGNY*, the Second Circuit Court stated that “Applying Supreme
15 Court precedent, we have generally recognized three types of
16 discriminatory laws: (1) a facially discriminatory law or policy that
17 expressly classifies individuals on the basis of race; (2) a facially neutral
18 law that is enforced in a discriminatory fashion; and (3) a facially neutral
19 law that was adopted with discriminatory intent and resulted in a
20 discriminatory effect. See *Chabad Lubavitch of Litchfield Cnty., Inc. v.*
21 *Litchfield Hist. Dist. Comm'n*, 768 F.3d 183, 199 (2d Cir. 2014).”

1 130. In this case, at least two types of discriminatory policies and practices
2 identified by the Second Circuit Court are evident:

3 a. **Discriminatory enforcement:** UM's absurd and incongruous
4 admission outcomes strongly indicate that UM exercises its
5 admissions policies in a discriminatory fashion.

6 b. **Discriminatory intent and effect:** The pervasive culture of
7 "unstated affirmative action" at universities underscores
8 discriminatory intent, with substantial evidence of its adverse
9 impact on Asian-American applicants, both individually and
10 collectively.

11 These actions constitute violations of the Equal Protection Clause of the
12 Fourteenth Amendment, Title VI of the Civil Rights Act of 1964, and Article
13 I, Section 26 of the Michigan Constitution.

14 **F. UM Ignoring Complaints**

15 131. UM officials have ignored complaints about questionable admissions
16 outcomes and allegations of racial discrimination, reflecting a broader lack
17 of transparency and accountability in their admissions process. On
18 January 26, 2025, Nan contacted the UM Board of Regents and President
19 Santa Ono regarding Stanley's admission results, requesting an
20 investigation. As of this filing, they have not responded.

1 132. This mirrors the University of California’s prolonged refusal to engage
2 with Nan, who sought dialogue for over a year before filing a lawsuit
3 against UC and the U.S. Department of Education on February 11, 2025,
4 in the U.S. District Court for the Eastern District of California (Case No.
5 2:25-cv-0495 DJC CSK).

6 133. The denial of Stanley’s application to UM—combined with UM’s
7 complete failure to even acknowledge the issue—cannot be dismissed as
8 mere random error. Rather, these actions reveal a pattern of systemic bias
9 and deliberate indifference, suggesting malice toward Stanley and, by
10 extension, other similarly situated Asian-American applicants. While it is
11 true that Google’s job offer came after UM’s rejection—meaning UM could
12 not have foreseen that Google would recognize Stanley’s skills had
13 already reached the Ph.D. level—the fundamental issue remains: the
14 technical achievements included in Stanley’s UM applications were
15 substantially the same as those sent to Google. While Google found
16 Stanley’s achievements sufficient to consider him for a Ph.D.-level
17 position, UM, in contrast, deemed him unqualified for undergraduate
18 admission. This stark contrast underscores a systemic barrier that
19 profoundly affects Asian-American applicants’ experiences in college
20 admissions. Even when their qualifications reach the Ph.D. level, they may
21 still be denied undergraduate admission. This fosters a pervasive sense of
22 helplessness—the belief that the system is rigged to reject you regardless

1 of your merits—that contributes significantly to the mental health
2 challenges within the Asian-American youth community.

3 134. This case echoes the dark legacy of the Chinese Exclusion Act of
4 1882—a shameful chapter in our nation's history for which Congress
5 formally apologized in June 2012. Disturbingly, as of the filing of this
6 lawsuit—after UM became aware of Google’s assessment of Stanley’s
7 skills—UM still refuses to engage in any discussion about his applications,
8 which only compounded the emotional distress Stanley and Nan have
9 endured.

10 **G. Lack of Response by Government Officials**

11 135. Stanley’s mother filed a civil rights complaint with the Office for Civil
12 Rights (OCR) at the U.S. Department of Education. However, the OCR
13 dismissed the case after misinterpreting her email, relying on reasoning
14 that directly contradicted her intended meaning. When she pointed out the
15 misunderstanding, the OCR refused to reopen the case, stating it had
16 been closed. The official dismissal letter cited a rationale the OCR knew to
17 be false. Despite her repeated requests to correct the letter and remove
18 the inaccurate reasoning, the OCR declined to make any changes, even
19 after she escalated the matter. (For the full record of email exchanges with
20 the OCR, see Exhibit 75 in case 2:25-cv-0495 DJC CSK in the U.S.
21 District Court for the Eastern District of California.) OCR’s failure to

1 enforce civil rights laws has let the direct harm to Stanley and other
2 Asian-American applicants persist.

3 136. Nan also raised his concerns with California Assemblymember Marc
4 Berman, mentioning that hundreds of his constituents were deeply
5 concerned about UC's admissions practices. Despite several email
6 exchanges, Mr. Berman did not respond substantively. (For the full record
7 of email exchanges with Mr. Berman and his staff, see Exhibit 76 in case
8 2:25-cv-0495 DJC CSK in the U.S. District Court for the Eastern District of
9 California.)

10 137. In November 2023, Nan organized a petition that gathered over 4,000
11 endorsements for letters expressing concerns about UC admissions.
12 These letters were sent to Governor Gavin Newsom and Lt. Governor
13 Eleni Kounalakis, both of whom serve as ex officio Regents of the
14 University of California. Neither replied. (For the letters, see Exhibit 77 and
15 Exhibit 78 in case 2:25-cv-0495 DJC CSK in the U.S. District Court for the
16 Eastern District of California.)

17 138. Since Plaintiffs were unable to get government officials to engage in
18 California, where they are residents and taxpayers, they have little reason
19 to expect assistance from officials in Michigan. As a result, litigation
20 remains the only viable option.

1 **H. Legal Basis**

2 139. The Supreme Court’s decision in *SFFA. v. Harvard* unequivocally
3 established that racial discrimination in college admissions is
4 unconstitutional.

5 140. UM’s racial discriminatory admission policies and practices violate the
6 Equal Protection Clause of the Fourteenth Amendment to the United
7 States Constitution.

8 141. UM’s racial discriminatory admissions policies and practices also
9 violate Title VI of the Civil Rights Act of 1964, which prohibits racial
10 discrimination in programs receiving federal financial assistance.

11 142. UM’s racial discriminatory admissions policies and practices also
12 violate Article I, Section 26 of the Michigan Constitution, which expressly
13 forbids racial discrimination in public education.

14 143. In addition to direct evidence of discrimination, racial “prejudice or
15 stereotype” may be proven through circumstantial evidence. See *Village of*
16 *Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S.
17 252, 266 (1977).

18 144. Further supporting this claim, the Second Circuit Court of Appeals, in
19 *Chinese American Citizens Alliance of Greater New York (CACAGNY) v.*
20 *Adams*, 116 F.4th 161 (2d Cir. 2024), unanimously affirmed that an equal
21 protection claim may proceed if “any individual has been negatively

1 affected or harmed by a discriminatory law or policy based on race, even if
2 there is no disparate impact on members of that racial class in the
3 aggregate.” Under the principle of *stare decisis*, this ruling provides
4 persuasive authority for the present lawsuit.

5 **V. CLAIMS FOR RELIEF**

6 **COUNT I - Violation of the Fourteenth Amendment (Equal Protection** 7 **Clause)**

8 145. Plaintiffs reallege and incorporate by reference the allegations set forth
9 above.

10 146. Defendant’s admissions policies and practices violate the Equal
11 Protection Clause of the Fourteenth Amendment by discriminating against
12 Asian-American applicants, including Stanley, on the basis of race.

13 147. As a result of Defendant’s discriminatory policies and practices,
14 Plaintiffs have suffered harm, including the loss of educational
15 opportunities, emotional distress, and reputational damage.

16 148. Plaintiffs have been and will continue to be injured by Defendant’s
17 ongoing discriminatory admissions policies, which deny them an equal
18 opportunity to compete for admission based on race or ethnicity.

19 149. Plaintiffs are entitled to a declaratory judgment, pursuant to 28 U.S.C.
20 §2201, and a permanent injunction because there is no plain, adequate, or

1 speedy remedy at law to prevent Defendant from continuing to use
2 admissions policies and practices that discriminate on the basis of race or
3 ethnicity in violation of the Fourteenth Amendment and because the harm
4 Plaintiffs will otherwise continue to suffer is irreparable.

5 **COUNT II - Violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §**
6 **2000d)**

7 150. Plaintiffs reallege and incorporate by reference the allegations set forth
8 above.

9 151. Defendant receives federal financial assistance and is therefore
10 subject to Title VI of the Civil Rights Act of 1964, which prohibits
11 discrimination on the basis of race, color, or national origin in any program
12 or activity receiving federal financial assistance. Defendant's admissions
13 policies and practices discriminate against Asian-American applicants,
14 including Stanley, in violation of Title VI.

15 152. As a result of Defendant's discriminatory policies and practices,
16 Plaintiffs have suffered harm, including the loss of educational
17 opportunities, emotional distress, and reputational damage.

18 153. Plaintiffs have been and will continue to be injured by Defendant's
19 ongoing discriminatory admissions policies, which deny them an equal
20 opportunity to compete for admission based on race or ethnicity.

1 154. Plaintiffs are entitled to a declaratory judgment, pursuant to 28 U.S.C.
2 §2201, and a permanent injunction because there is no plain, adequate, or
3 speedy remedy at law to prevent Defendant from continuing to use
4 admissions policies and practices that discriminate on the basis of race or
5 ethnicity in violation of Title VI of the Civil Rights Act of 1964 and because
6 the harm Plaintiffs will otherwise continue to suffer is irreparable.

7 **COUNT III - Violation of Michigan Constitution (Article I, Section 26)**

8 155. Plaintiffs reallege and incorporate by reference the allegations set forth
9 above.

10 156. Article I, Section 26 of the Michigan Constitution prohibits racial
11 discrimination in public education. Defendant's discriminatory admissions
12 policies and practices violate this provision by denying Asian-American
13 applicants, including Stanley, equal access to public educational
14 opportunities.

15 157. As a result of Defendant's discriminatory policies and practices,
16 Plaintiffs have suffered harm, including the loss of educational
17 opportunities, emotional distress, and reputational damage.

18 158. Plaintiffs have been and will continue to be injured by Defendant's
19 ongoing discriminatory admissions policies, which deny them an equal
20 opportunity to compete for admission based on race or ethnicity.

1 159. Plaintiffs are entitled to a declaratory judgment, pursuant to 28 U.S.C.
2 §2201, and a permanent injunction because there is no plain, adequate, or
3 speedy remedy at law to prevent Defendant from continuing to use
4 admissions policies and practices that discriminate on the basis of race or
5 ethnicity in violation of Article I, Section 26 of the Michigan Constitution
6 and because the harm Plaintiffs will otherwise continue to suffer is
7 irreparable.

8 **VI. PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs, Stanley, Nan, and SWORD, on behalf of its members
10 and all others similarly situated, respectfully request that this Court:

11 160. Declare UM's Admissions Practices Unconstitutional

12 a. Declare that Defendant's student admissions policies and practices
13 violate:

14 i. The Fourteenth Amendment to the U.S. Constitution,

15 ii. Title VI of the Civil Rights Act of 1964, and

16 iii. Article I, Section 26 of the Michigan Constitution (Proposal
17 2).

18 b. Enjoin Defendant from engaging in racially discriminatory
19 admissions and hiring practices, and order it to take all necessary
20 steps to eliminate the effects of past discrimination.

21 161. Mandate Institutional Reforms & Accountability Measures at UM

- 1 a. Issue an injunction requiring Defendant to issue a formal public
2 apology to Asian-American applicants.
- 3 b. Issue an injunction requiring Defendant to dismiss, after a full and
4 fair public hearing, all Admissions Directors and other
5 administrators responsible for the admission cycles that are
6 determined to be racially discriminatory since 2006.
- 7 c. Issue an injunction requiring Defendant to dismiss, after a full and
8 fair public hearing, all administrators who knowingly defend this
9 lawsuit while being aware of racial preferences in admissions or
10 hiring.
- 11 d. Issue an injunction requiring Defendant to dismiss, after a full and
12 fair public hearing, all administrators who knowingly certified
13 compliance with federal anti-discrimination laws while being aware
14 of racial preferences in admissions or hiring.
- 15 e. Refer individuals who knowingly made false certifications under
16 penalty of perjury for criminal prosecution.
- 17 162. Mandate Oversight & Transparency in Admissions at UM
- 18 a. Issue a permanent injunction requiring Defendant to establish an
19 independent admissions oversight board, approved by this Court,
20 with sole authority over the hiring and firing of Admissions Directors
21 at each UM campus.
- 22 b. Issue a permanent injunction requiring Defendant to fund recurring
23 independent audits of its admissions process, approved by this

1 Court, including a breakdown of accepted and rejected applicants'
2 qualifications by racial group.

3 c. Issue a permanent injunction requiring Defendant to implement
4 admissions procedures that prevent personnel from accessing or
5 inferring an applicant's race or ethnicity.

6 d. Issue a permanent injunction requiring Defendant to implement
7 hiring procedures that prevent personnel from accessing or
8 inferring a candidate's race or ethnicity.

9 e. Require Defendant to repeat its admission process independently
10 on a small group of randomly chosen applicants for each admission
11 cycle in order to demonstrate repeatability and self-consistency in
12 admissions decisions.

13 163. Require Mandatory Training & Compliance Measures at UM

14 a. Require annual Proposal 2 training for all UM personnel involved in
15 admissions or hiring.

16 b. Require all trained personnel to explicitly acknowledge that violating
17 Proposal 2 or failing to report violations may result in disciplinary
18 action, including termination.

19 164. Declare Judicial Scrutiny of UM's Academic Policies

20 a. Declare that Defendant should no longer receive traditional judicial
21 deference as a bona fide academic institution unless it:

22 i. Collects standardized test scores from all applicants in its
23 admission process,

- 1 ii. Ceases prioritizing immutable characteristics over academic
- 2 merit in admissions and hiring.

3 165. Award Monetary Damages & Attorney's Fees

- 4 a. Award nominal, compensatory, and punitive damages to Plaintiffs.
- 5 b. Award reasonable attorneys' fees and costs incurred in this action.
- 6 c. Grant such other and further relief as this Court deems just and
- 7 proper.

8

1 **VII. JURY DEMAND**

2 Pursuant to the Seventh Amendment to the United States Constitution and Rule
3 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by
4 jury on all issues so triable.

5 _____

6 I declare under penalty of perjury that the allegations in the complaint are true.

7 Respectfully submitted,

8 

9 Stanley Zhong (Pro Se)

10 211 Hope St #390755

11 Mountain View, CA 94039

12

13 

14 Nan Zhong (Pro Se)

15 Individually and as President of SWORD

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17 Mountain View, CA 94039

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19 **Dated:** February 23, 2025